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What is fair housing?

When looking to buy or rent a property it is important to know that you are protected under fair housing laws. Fair housing laws are some of the strongest civil rights statutes on the books. Federal and State laws make it illegal to discriminate against people when renting or purchasing a unit based on any of the following:

- Race
- Color
- Religious creed
- National origin
- Sex

- Age
- Genetic information
- Disability
- Ancestry
- Marital status
- Family status (families with children under 18)
- Veteran status or membership in the armed forces of the United States
- Sexual orientation
- Status as a person who is a recipient of federal, state, or local public assistance or who is a tenant receiving federal, state or local housing subsidies including rental assistance or rental supplements

If you are a member of one of these protected classes, it is illegal as a general rule for someone to:

- Refuse to rent to you or sell you housing
- Tell you housing is unavailable when in fact it is available
- Show you apartments or homes only in certain neighborhoods
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Advertise housing to preferred groups of people only
- Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan
- Deny you property insurance
- Conduct property appraisals in a discriminatory manner
- Refuse to make reasonable accommodations for persons with a disability if the accommodation may be necessary to afford such a person a reasonable and equal opportunity to use and enjoy a dwelling
- Harass, coerce, intimidate, or interfere with anyone exercising or assisting someone else with his/her fair housing rights

This list covers most but not all of the discriminatory housing activities which are unlawful.

Landlords have the right to choose the best tenant for a unit. Tenants can be selected using the following criteria as long as the criteria are applied equally to all applicants:

- Credit check (if a tenant has a rental subsidy a credit check may not be as important a criterion)
- References from previous landlords
- Sufficient funds to cover the cost of rent
- Criminal record check

Examples of behavior that MAY be housing discrimination include:

- You call and get an appointment to look at a house or condominium unit, but when you get there, you are told that the house was just sold. You later see that the home is still on the market.
- You are told that the apartment has been rented, but it is listed in the paper again.
- You are told a higher selling price or rent than what was advertised, or than what you heard others being told.
- You are told that they cannot rent to families with children because the house has lead paint.
- You are given terms of a rental or sale which are different from those given to other persons, such as being assessed different fees.
- You are directed to or away from certain properties or neighborhoods. based on race, national origin, religion, or disability.
- You are told that the landlord does not accept rental assistance such as Section 8 vouchers.

Discrimination against families with children and the Lead Law:

The Massachusetts lead law, in conjunction with fair housing laws, makes it illegal for a property owner or real estate agent to refuse to rent or to sell a home to a family with children because of

the presence of lead paint. With regard to rentals, it is the landlord's obligation to de-lead their rental properties. With regard to sales, it is the seller's responsibility to inform you of the dangers of lead paint, the lead law, and all information they have about the presence of lead paint in the property (e.g. copies of all lead inspection reports). Once you own a home, it is your responsibility to de-lead if you have children under the age of six living there.

There are funds available to help owners de-lead. The Massachusetts Department of Public Health Childhood Lead Poisoning Prevention Program will refer you to your local city/town resource. For more information call (617) 624-5757 or (800) 532-9571 or go online at www.mass.gov/dph

What are the benefits of filing a housing discrimination complaint?

If you challenge discriminatory housing practices and your claim is informally settled, or you receive a favorable decision by a court or administrative enforcement agency, you could receive:

- the housing you wanted
- compensation for costs such as temporary housing or moving expenses
- compensation for any emotional damages suffered as a result of the discrimination
- an order prohibiting future discrimination or requiring the owner/agent to rent to other qualified home-seekers who are members of a protected class
- your lawyer's fees paid (some attorneys will take cases with the understanding that they will only be paid if you win the case)
- the satisfaction of knowing that you challenged discrimination and that other people may not go through the pain and frustration you experienced.

If you think you have been discriminated against contact:

- The Brookline Human Relations/ Youth Resources Commission. Your claim will be reviewed and investigated and, if appropriate, the Commission will try to resolve it by working directly with both sides. If the issue cannot be resolved, the Commission's Director may refer you to one of the agencies below to file a formal complaint. Contact the [Brookline Human Relations/ Youth Resources Commission](#).

- The Fair Housing Center of Greater Boston. The Fair Housing Center of Greater Boston is a private advocacy organization for victims of housing discrimination. It can assist you with filing a complaint in court or with MCAD or HUD, and may act as an advocate on your behalf. The address and contact information for the Fair Housing Center is:

Fair Housing Center of Greater Boston
59 Temple Place #1105
Boston, MA 02111
Phone: 617-399-0491
TTY users, please call the MA Relay Service at 1-800-439-2370
<http://www.bostonfairhousing.org>

•Massachusetts Commission Against Discrimination (MCAD). MCAD handles all discrimination complaints that fall under state law as well as violations of the federal Fair Housing Act. Complaints of housing discrimination must be filed with MCAD within 300 days of the most recent violation. For more information contact:

MCAD
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196
Website: www.mass.gov/mcad/

•U.S. Department of Housing and Urban Development (HUD). HUD is the federal agency, which receives and investigates housing discrimination complaints that violate federal law. Complaints must be filed with HUD within one year of the most recent violation. For more information contact:

U.S. Department of Housing and Urban Development
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Room 321
Boston, MA 02222-1092
Tel: 617-565-5308 or 800-827-5005
Fax 617-565-7313
TTY 617-565-5453
Email: Complaints_office_01@hud.gov
Website: www.hud.gov

For information on affordable housing in Brookline, please go to the [Housing Division Web](#)

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